



An
Bord
Pleanála

Inspector's Report ABP-302827-18

Development	Construction of a two storey side and rear extension to form a granny flat development.
Location	5 Belfry Place, Lusk, Co. Dublin
Planning Authority	Fingal County Council.
Planning Authority Reg. Ref.	F18A/0458
Applicant(s)	Sharyn Foy.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party
Appellant(s)	Sharyn Foy
Observer(s)	none.
Date of Site Inspection	1 st December, 2018
Inspector	Stephen Kay.

1.0 Site Location and Description

- 1.1. The appeal site is located on the eastern side of Belfry Place which forms part of a larger housing area to the north east of Lusk Village. The site is currently occupied by a semi-detached two storey dwelling that has a stated floor area of 116 sq. metres. The development in the general vicinity of the site is characterised by mainly semi-detached and two storey dwellings in recently developed residential areas characterised by no defined front gardens and largely shared parking.
- 1.2. The site currently has a vehicular access and a car parking area to the front / side of the existing dwelling. To the west, the site is adjoined by a similar two storey dwelling that is detached and located on its site such that the front and rear building lines are c.2.2 and 2.5 metres respectively further forward than the dwelling on the appeal site.
- 1.3. The stated area of the existing site is 0.139 ha.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a two storey side and rear extension. The extension would extend approximately 2.3 metres to the side (west) of the existing dwelling and to the rear would extend c.4.0 metres in depth to the rear of the existing rear building line, and over a width of c.5.37 metres at the south west corner of the building. At ground floor level the extension is proposed to be set c.1.0 metres away from the rear of the existing house such that the existing kitchen window would be retained. This space would be covered at first floor level.
- 2.2. The extension is proposed to accommodate a hall, toilet and kitchen / dining room at ground floor level with a double bedroom and bathroom at first floor level. The stated area of the proposed extension is 68 sq. metres.
- 2.3. The side extension is indicated on the plans as being located within 530mm of the adjoining house to the west at No.6 Belfry Place.

- 2.4. The extension is proposed to be occupied as a granny flat accommodation for the mother of the applicant. It is proposed to have an independent access via a new front door. An internal connection between the existing dwelling and the new accommodation is proposed at ground floor level. A patio door access from the ground floor of the extension to the rear garden is proposed and the rear garden area would not be sub divided. The internal layout of the existing dwelling is not proposed to be altered.
- 2.5. The development is proposed to be connected to the existing public water and drainage network.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a Notification of Decision to Refuse Permission for 4 no. reasons that can be summarised as follows:

1. That the proposed development by reason of its siting, design and scale is considered to be seriously injurious to the residential amenities of the adjoining properties, would represent over development of the site contrary to Objective DMS29 due to inadequate separation distances to the house to the west and would be visually out of character with the area and injurious to the residential amenities of the area.
2. That the proposed development would be contrary to Objective DMS43 of the Fingal County Development Plan having regard to the excessive scale of the proposed development and proposal for a separate front door.
3. That the proposed development would be injurious to residential amenity by virtue of the removal of the existing sole parking space and would therefore be contrary to the vision and stated objective of the Objective RS zoning of the site.
4. That the proposed removal of the existing sole off street parking space would set an undesirable precedent for other similar developments in the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer notes the nature of the development, the zoning of the site (Objective RS) and the fact that there were no objections / observations. The report notes the loss of the existing single off street parking space, the requirement of Objective DMS29 that there would be a separation distance of at least 2.3 metres to adjoining detached, semi-detached and terraced units and Objective DMS43 regarding family flats, specifically relating to size and own front door access. It is considered that the proposed development would have an overbearing visual impact on the adjoining property to the west and would potentially overlook properties to the rear in Scholars Walk. Refusal of Permission consistent with the Notification of Decision which issued is recommended.

3.2.2. Other Technical Reports:

Transportation – Concerns regarding car parking availability and the loss of the existing car parking space. Evidence of on street parking in the area noted and ongoing parking problems and recommends that a revised layout retaining the parking space would be submitted.

Irish Water – No objection (Class 1).

Water Services Department – No objection subject to conditions.

4.0 Planning History

No planning history relating to the appeal site noted in the report of the Planning Officer or in the planning application form. The report of the planning officer references a number of applications in the general vicinity of the appeal site relating to extensions to dwellings. It is noted that all of these applications were granted permission and that they do not relate to proposals for family flats.

5.0 Policy Context

5.1. Development Plan

The appeal site is located on lands that are zoned Objective RS under the provisions of the *Fingal County Development Plan, 2017-2023*. Under this land use zoning objective residential development is '*Permitted in Principle*'. The objective for the zone is to '*Provide for residential development and protect and improve residential amenity.*' The stated vision is to '*Ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity.*'

The following objectives are noted and are considered to be particularly relevant to the proposed development:

Objective DMS29 requires a minimum side separation of 2.3 metres between detached, semi-detached and terraced dwellings.

Objective DMS43 relates to family flats and states that:

Ensure family flats:

- Are for a member of the family with a demonstrated need.
- Are linked directly to the existing dwelling via an internal access door and do not have a separate front door.
- When no longer required for the identified family member, are incorporated as part of the main unit on site.
- Do not exceed 60 sq m in floor area.
- Comply with the design criteria for extensions, as above.

Objective DMS87 states that the amount of private amenity space for a four bedroom dwelling should be 75 sq. metres.

5.2. Natural Heritage Designations

The site is not located within or near any European site.

6.0 The Appeal

6.1. Grounds of Appeal

The following is a summary of the main issues raised in the first party grounds of appeal:

- That the requirement for a separation to the side of 2.3 metres could not be met in this instance as it would not allow for the provision of usable accommodation. It is considered that this restriction could be relaxed in this instance.
- Noted that the 2.3 metre requirement would compromise the extent to which the dwelling could be extended.
- That the first party is willing to redesign the development to comply with Objective DMS43 and to reduce the floor area of the development to 60 sq. metres.
- That the on site parking space is unique to this this style of property. It is submitted that a redesign of the development to retain this parking space as best as possible could be undertaken. The development could be amended slightly to accommodate a 4.8 metre parking space.
- That the owner paid an additional €45,000 for the design that has a side entrance and the ability to extend to the side. He was advised that extension to the side would be possible.
- That communal parking spaces have been provided throughout the development including in front of the appeal site. These spaces are available for use by any resident and should be taken into account in the assessment / decision.
- That the on site parking space is unique and a reduction of a single space in the overall parking provision would not greatly impact on amenity.
- That similar development to that proposed have been permitted in the county and in other counties.

- That the proposed development would free up an existing dwelling for occupation by someone else.

6.2. Planning Authority Response

The following is a summary of the main issues raised in the response received from the Planning Authority to the grounds of appeal:

- That the appeal submission and original application have been considered and it remains the opinion of the Planning Authority that the proposed development would represent over development of this restricted site and that it would be injurious to residential amenity by virtue of its siting, design and scale.
- The removal of the existing off street parking is considered to be injurious to this property and other properties in the vicinity.
- The Board is requested to uphold the decision of the Planning Authority.

7.0 Assessment

7.1. The following are considered to be the main issues in the assessment of the subject appeal:

- Principle of Development
- Design, Layout and Visual Impact,
- Impact on Residential Amenity
- Other Issues
- EIA,
- AA

7.2. Principle of Development

- 7.2.1. The appeal site is located on lands that are zoned Objective RS under the provisions of the *Fingal County Development Plan, 2017-2023*. Under this land use zoning objective, residential development is '*Permitted in Principle*'. The extension of an existing residential property is therefore considered acceptable in principle subject to compliance with other relevant development plan standards.
- 7.2.2. The objective for the zone is to '*Provide for residential development and protect and improve residential amenity.*' The stated vision is to '*Ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity.*' The following sections consider the proposed development in the context of these requirements and the potential impact of the development on residential and visual amenity in particular.

7.3. Design, Layout and Visual Impact,

- 7.3.1. The design of the proposed development is such that it would fill in the majority of the existing side passage area to the existing dwelling and would extend out to 500mm of the existing front building line. The roof profile is proposed to be extended to the side with an extension of the existing gable ended roof. Materials proposed are consistent with those existing. At the rear the two storey extension is proposed to be hipped into the existing roof. The basic design and form of the proposed extension is considered acceptable from a streetscape and materials perspective.
- 7.3.2. **Objective DMS43** relates to family flats and sets out a number of requirements for this form of development. The first requirement is that the unit would be accommodated by a member of the family with a demonstrated need. The applicant has submitted some details regarding the need for the development and it is stated that the proposed unit would be occupied by the applicant's mother.
- 7.3.3. In terms of layout, the unit is proposed to be linked with the existing house internally and is therefore consistent with the requirements of Objective DMS43. There are however a number of other aspects of the proposed development that are considered to be problematic. Firstly, the overall floor area of the unit at c.68 sq., metres is above the maximum permissible at 60 sq. metres. The first party appeal states that the floor area could be reduced and this could potentially be achieved by

the setting back of the front building line of the extension to facilitate the retention of the car parking space. This is considered to be something that could be addressed by way of condition if permission was being considered. Similarly, the current design with a separate front entrance is contrary to the provisions of the development plan, however this could also be revised byway of condition.

- 7.3.4. Objective DSM43 requires that any family flat would comply with the design criteria for extensions, (which is set out at *Objective PM46*). This encourages sensitively designed extensions which do not negatively impact on the environment or on adjoining properties or area. There are a number of issues with the proposed design that in my opinion, are not consistent with this requirement.
- 7.3.5. Objective DMS29 requires a minimum side separation of 2.3 metres between detached, semi detached and terraced dwellings. In the case of the appeal site the separation to the existing adjoining property would only be 530mm which, in my opinion, when combined with the c.6.5 metres by which the extension would project beyond the rear of the adjoining dwelling to the adjoining property is excessively close and such that it would have an overbearing visual impact on the adjoining property to the west, (No.6 Belfry Place). The proposed development would therefore be injurious to residential amenity as well as contravening Objective DMS29 of the plan.
- 7.3.6. The internal layout of the proposed development is already narrow and such that there is no scope for a further reduction in width and set back from the boundary with No.6. I would also note the dimensions of the main kitchen / living space which has principal dimensions of 2.35 by 4.7 metres. This would appear not to be consistent with the minimum room widths set out at Table 12.3 of the development plan which requires a minimum width of 3.3 metres for a one bed unit.
- 7.3.7. The extent of private amenity space proposed to be retained to serve the existing and proposed units is approximately 62 sq. metres. This equates to less than 10 sq. metres per bedspace for the overall development comprising the existing 5 no. bed spaces and the proposed 2 no. additional bed spaces. I note that the development plan (Objective DMS87) specifies a total of 75 sq. metres of private amenity space for a four bedroom house. The overall provision of c.62sq. metres of private amenity space while below the development plan standards, is in my opinion generally

acceptable given the extension of the dwelling and the nature of the proposed family unit use.

7.4. Impact on Residential Amenity

- 7.4.1. Section 7.3 sets out how the proposed two storey development and the proximity of the development to the boundary with No.6 is such that the development would have an overbearing visual impact on the occupants of the adjoining dwelling and a significant loss of residential amenity.
- 7.4.2. In addition, the depth of the two storey extension and its proximity to the boundary with No.6 and relative position is such that there would be some loss of daylight and sunlight to the garden and rear accommodation at No.6. This loss of light would however be largely confined to the early morning period.
- 7.4.3. The configuration of the appeal site and surrounding properties is such that the rear of the existing dwelling on the appeal site faces onto the rear garden of No.31 Scholars Walk which is located at right angles to the appeal site. The design of the proposed family unit is such that the windows serving the first floor bedroom face towards the rear garden of No.31 Scholars Walk, and with a separation of only 3.59 metres to the boundary. While there would not be overlooking of directly opposing windows, this separation is in my opinion such that there would be a significant negative impact on the amenity of No.31 Scholars Walk due to overlooking of the private amenity space of this property as well as having a significant overbearing visual impact. The proposed development is therefore such that it would seriously injure the amenities of No.31 Scholars Walk and would be contrary to the residential zoning objective of the site.

7.5. Other Issues

- 7.5.1. With regard to parking, the proposed development would result in the loss of the existing single off street parking space to serve the development. I note the concerns of the Transportation Department with regard to parking and consider that at a minimum the existing single off street parking space should be retained in the development. From an inspection of the appeal site and the general vicinity, I noted

a number of cars parked on footpaths and verges and it would therefore appear that the concerns of the Transportation Department regarding parking congestion, as expressed in the report on file, are valid. In the case of the proposed development, in addition to the loss of the parking space, the development is such as to potentially generate additional parking demand from the family flat. I would also note that the parking standard as per Table 12.8 of the development plan is for a norm of 2 no. parking spaces for dwellings of 3 or more bedrooms. It is therefore considered necessary that the existing on site car parking space would be retained in any development of the site.

7.5.2. The proposed layout indicates a distance of c.4.6 metres between the extension and the front boundary of the site which is not adequate to provide for a parking space. It would, however be feasible that the front building line of the extension could be moved further back so as to provide for sufficient depth to accommodate a car parking space and in the event that other issues were considered satisfactory and a grant of permission was being considered this could be achieved by way of condition. It is not therefore considered appropriate that reasons relating to car parking would be included as a reason for refusal.

7.6. **EIA,**

7.6.1. Having regard to the domestic nature and scale of the proposed development and the separation to sensitive environmental receptors there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.7. **AA**

7.7.1. Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. Having regard to the above, it is recommended that permission be refused based on the following reasons and considerations:

9.0 Reasons and Considerations

1. Having regard to the two storey nature of the proposed development, its proximity to the boundary with the adjoining dwellings to the west (No.6 Belfry Place) and south east (No.31 Scholars Walk) together with the degree to which the proposed two storey extension would extend beyond the existing rear building line of No.6 Belfry Place, it is considered that the proposed development would result in a significant negative impact on the residential amenity of these adjoining properties by virtue of overbearing visual impact, visual intrusion and overlooking. The proposed development would therefore be contrary to Objectives DMS29 and DMS43 of the *Fingal Development Plan, 2017-2023*, would seriously injure the amenities and depreciate the value of these residential properties and would be contrary to the proper planning and sustainable development of the area.

Stephen Kay
Planning Inspector

3rd December, 2018